

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

BOXCAST INC.,

Plaintiff,

v.

RESI MEDIA LLC, PUSHPAY USA INC.,
and PUSHPAY HOLDINGS LTD..

Defendants.

C.A. NO. 2:21-cv-00217-JRG

**DEFENDANTS' MOTION TO SHORTEN TIME REGARDING
DEFENDANTS' MOTION TO CONTINUE THE STAY OF PROCEEDINGS**

I. PRELIMINARY STATEMENT

Pursuant to Local Rule CV-7(e), Defendants Resi Media LLC (“Resi”) and Pushpay USA Inc. and Pushpay Holdings Ltd. (together “Pushpay”) move the Court to shorten time for briefing on Defendants’ concurrently filed Motion to Continue the Stay of Proceedings Pending *Inter Partes* Review (Dkt. 151, the “Motion”). Plaintiff BoxCast (“BoxCast”) does not oppose Defendants’ proposed briefing schedule (shown below), but does disagree with Sections II and III below. Specifically, the parties jointly request that the Court forgo a hearing on the Motion and decide it based on Defendants’ Motion and BoxCast’s Response. L.R. CV-7(f) (“The court need not wait for the reply or sur-reply before ruling on the motion.”). The parties also jointly propose the following briefing schedule for the Motion:

Defendants’ Motion	4/27/2022
BoxCast’s Response	5/6/2022

This Motion to Shorten Time is justified because the normal briefing schedule will result in the parties and the Court expending substantial resources on potentially unnecessary hearings and discovery prior to the Court ruling on the Motion. These include the *Markman* hearing, a hearing on the Motions to Dismiss, and potentially remaining fact discovery and initial expert disclosures. If the Motion is granted, those events will be unnecessary.

II. THE PROPOSED BRIEFING SCHEDULE AND HEARING DATE ARE NECESSARY TO ENSURE THE ORDERLY CONDUCT OF LITIGATION

Defendants’ brought their Motion to Continue the Stay of Proceedings only one day after IPRs were instituted on U.S. Patent Nos. 9,686,574 (“the ’574 Patent”) and 10,154,317 (“the ’317 Patent”) (together, the “Patents”). To ensure that upcoming tasks are completed in an orderly manner, Defendants request disposition of the Motion on an expedited basis. For example, the upcoming *Markman* hearing will involve discussion of several terms that may not ultimately need to be construed, depending on the resolution of the IPRs. To require the parties to present

these issues now would waste time and judicial resources. Shortening the time on Defendants' Motion will allow the parties and the Court to avoid unnecessary preparations because, if successful, Defendants' Motion will stay such deadlines.

III. THERE IS NO PREJUDICE TO GRANTING DEFENDANTS' MOTION TO SHORTEN TIME

The parties have already briefed the issue of whether to stay the case. The only new facts for consideration at this time are the IPR institution decisions on the Patents. As such, the typical need for a full briefing period is not present. Additionally, as all deadlines in the case are currently stayed, and the parties will mediate on May 10 regardless, accelerating the decision on Defendants' Motion will benefit both parties by allowing for a parallel resolution to multiple issues.

IV. CONCLUSION

For the foregoing reasons, Defendants respectfully request that the Court enter an Order Shortening Time for the Court to hear Defendants' Motion to Continue the Stay of Proceedings.

DATED: April 27, 2022

By: /s/ Brian E. Mack

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CERTIFICATE OF CONFERENCE

Pursuant to Local Civil Rule CV-7(h), the undersigned certifies that counsel for Defendants and counsel for Plaintiff met and conferred on the present motion telephonically on April 27, 2022. While the parties jointly agreed with the shortened briefing schedule herein, the parties could not agree with the remainder of the motion.

/s/ *Brian Mack*

Brian Mack

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on the date this document is filed.

/s/ Brian Mack

Brian Mack